

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DENNIS GRIFFIN,

Plaintiff,

vs.

Case No.: 04-C-00512

ODISE BENNETT and
JONATHAN DELAGRAVE

Defendants.

AFFIDAVIT OF NATHAN J. BAYER

STATE OF WISCONSIN :
 :SS
COUNTY OF MILWAUKEE :

NATHAN BAYER, being first duly sworn, deposes and states as follows:

1. I, Nathan J. Bayer, am an attorney duly licensed to practice law in the state of Wisconsin and before this court, and make this affidavit in support of the defendants' motion for summary judgment. This affidavit is made upon personal knowledge.

2. Paragraph 1 of the scheduling order dictates that on or before November 5, 2004, the plaintiff was to "notify the defendants of any lay witnesses the plaintiff may call at trial." As of December 10, 2004, no such notification has yet been received by the defendants.

3. A check of the PACER system also reflects that no "notification" or other designation of lay witnesses from the plaintiff is on file with the court.

4. Paragraph 2 of the scheduling order dictates that "On or before November 20, 2004, the plaintiff shall notify the defendants of any expert witnesses the plaintiff may call at trial, and shall submit with that notice a report..." As of December 10, 2004, no such notification or reports

have been received by the defendants.

5. A check of the PACER system also reflects that no such notifications, and no such reports, are on file with the court.

Pursuant to 28 U.S.C. Sec. 1746 I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on December 21, 2004.

/s/ Nathan J. Bayer

Nathan J. Bayer